

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOSH COHEN,	:
	:
Plaintiff,	: <u>ORDER</u>
	:
-against-	:
	: 23 Civ. 10359 (JPC) (GWG)
ACTION SQUARED et al.,	:
	:
Defendants.	:
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GABRIEL W. GORENSTEIN, United States Magistrate Judge

The plaintiff has filed proof of service as to defendant Action Squared. (Docket # 9). As to all other defendants named in the Second Amended Complaint (Docket # 29), the Clerk of the Court is directed to issue a summons. Under Fed. R. Civ. P. 4(m), service on these other defendants must be effectuated within 90 days of the filing of the Second Amended Complaint.

Within 7 days of plaintiff having effectuated service on all defendants in this matter, plaintiff is directed to file a letter so stating and shall also file proof of service as to each defendant if not already filed. The time for all defendants to respond to the complaint is extended to 21 days after the filing of this letter regardless of the date on which a particular defendant may have been served. If a defendant intends to file a motion to dismiss, that defendant shall coordinate with all other defendants to determine if there can be common briefing as to any issues.

The parties must seek a pre-motion conference as to any proposed motion to dismiss by filing a letter on ECF in accordance with paragraph 2.A of the Court's Individual Practices. The filing of such a letter shall be deemed a timely response to the complaint under Fed. R. Civ. P. 12(a). Thus, if a party files a letter requesting permission to make a motion to dismiss, the filing of that letter will toll the deadline for the party to file the motion (or otherwise respond to the Second Amended Complaint) until the Court rules on the pre-motion conference request and sets a date for the filing of the motion to dismiss.

While the Court is not at this time issuing an Order to Show Cause on the question of whether the Second Amended Complaint complies with Fed. R. Civ. P. 8(a), see Order of July 2, 2024 (Docket # 25), the Court's decision not to do so should not be construed as opining on the merits of that question.

SO ORDERED.

Dated: New York, New York
September 4, 2024



GABRIEL W. CORENSTEIN
United States Magistrate Judge